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09/742,190	12/22/2000	Timo Kinnunen	042933/301932	8071
826 7590 07/10/2008 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER HASHEM, LISA	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/742,190

**Applicant(s)**

KINNUNEN ET AL.

**Examiner**

LISA HASHEM

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 5-14 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-14, 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**FINAL DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 5-14, and 23-31 in the Amendment filed on 3-28-08 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6, 13, 14, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,119,014 by Alperovich et al, hereinafter Alperovich, in view of U.S. Pat. No. 6,360,101 by Irvin and in further view of U.S. Pat. No. 6,826,407 by Helfferich.

Regarding claim 1, Alperovich discloses a messaging user interface of a communication device (i.e. a mobile station) (Fig. 4, 480) of a message sender (i.e. originating subscriber) (col. 1, lines 37-45), the interface being configured for: selecting a component (i.e. text message; 'buy milk on the way home', 'call your mother') for inclusion in a message (i.e. SMS message) (col. 3, lines 12-19; col. 5, lines 15-35; col. 6, lines 4-21), selecting location conditions (i.e. coordinates) under which the message is enabled to be opened by a device (Fig. 4, 400) of a recipient (i.e. subscriber), the location conditions defining a location of the device of the recipient of the message, wherein the recipient and the message sender are different entities (col. 5, lines 27-49),

and storing said component as a portion of the message (Fig. 4: 420) together with a message header holding the location conditions (Fig. 4: 470) under which the message is enabled to be opened by the device of the recipient in a memory of the device, the message header further including information descriptive of content of the message (i.e. priority indicator describing urgency of content of the message; reminder indicator; Fig. 4: 410) (col. 4, lines 7-20; col. 4, line 66 - col. 5, line 49).

Alperovich discloses the message, location conditions, and priority indicator stored together as a SMS message (Fig. 4: 410, 415, 470, 420) in the memory of the recipient's device (Fig. 4, 405). However, Alperovich does not disclose storing the message in the communication device of the sender and information displayable to the recipient indicating requirements to read the message.

Irvin discloses a messaging user interface (Fig. 2, 104) of a communication device (i.e. a mobile communication terminal) (Fig. 2, 100) of a message sender (i.e. user of mobile communication terminal) (col. 1, lines 43-61; col. 3, line 10 – col. 4, line 59), the interface being configured for:

selecting a component (i.e. text message informing a family member that the user has reached a location safely) for inclusion in a message (i.e. SMS message) (col. 1, lines 32-40; col. 2, lines 4-9; col. 3, lines 13-15; col. 4, lines 24-27; col. 5, lines 50-55),

selecting location conditions (i.e. target location) under which the message is enabled to be opened by a device of a recipient (i.e. sending the SMS to another party for notification of arrival at the target location), the location conditions defining a location of the device of the sender of

the message, wherein the recipient and the message sender are different entities (col. 4, lines 1-59; col. 5, lines 25-55),  
and storing said component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device (Fig. 2, 170) (col. 4, lines 7-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich to include storing the message and message header in the communication device of the sender as taught by Irvin. One of ordinary skill in the art would have been lead to make such a modification to keep a copy of the message and header in the sender's device in order to store details of the message pertaining to a particular recipient and being able to retrieve the message for further review by the sender.

However, Alperovich in view of Irvin do not disclose information displayable to the recipient indicating requirements to read the message.

Helferich discloses a messaging user interface (Fig. 7; Fig. 8) of a communication device (i.e. mobile telephone; Fig. 3, 105) of a message recipient comprising a component (i.e. a .wav file) included in a message; a message header including information descriptive of content of the message (i.e. voice message from Dr. Jones) and information displayable to the recipient indicating requirements to read the message (i.e. click 'play' button to hear the attached voice message) (col. 17, lines 33-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich in view of Irvin to include information displayable to the recipient indicating requirements to read the message as taught by Helferich.

One of ordinary skill in the art would have been lead to make such a modification of Alperovich in view of Irvin to provide instructions to the recipient, such as the instructions of Helferich, to the user interface of Alperovich in view of Irvin so the recipient can determine how to read the message.

Regarding claim 6, a user interface as claimed in claim 1 mentioned above, wherein Helferich discloses at least one component is a multimedia file (i.e. a .wav file; col. 17, lines 33-38).

Regarding claim 13, a user interface as claimed claim 1 mentioned above, wherein Alperovich discloses including wireless network interface (col. 4, lines 7-51).

Regarding claim 14, a user interface as claimed in claim 1, wherein Alperovich discloses the device is a radio telephone (col. 1, lines 37-45; col. 4, lines 7-51).

Regarding claim 23, Alperovich discloses a method comprising:  
selecting a component (i.e. text message; 'buy milk on the way home', 'call your mother') for inclusion in a message (i.e. SMS message) at a communication device (i.e. a mobile station) (Fig. 4, 480) (col. 3, lines 12-19; col. 5, lines 15-35; col. 6, lines 4-21);  
selecting, at a device of a message sender, location conditions (i.e. coordinates) under which the message is enabled to be opened by a device (Fig. 4, 400) of a recipient (i.e. subscriber), the location conditions defining a location of the device of the recipient of the message, wherein the recipient and the message sender are different entities (col. 5, lines 27-49);  
and storing said component as a portion of the message (Fig. 4: 420) together with a message header holding the location conditions (Fig. 4: 470) under which the message is enabled to be opened by the device of the recipient in a memory of the device, the message header further

including information descriptive of content of the message (i.e. priority indicator describing urgency of content of the message; reminder indicator; Fig. 4: 410) (col. 4, lines 7-20; col. 4, line 66 - col. 5, line 49).

Alperovich discloses the message, location conditions, and priority indicator stored together as a SMS message (Fig. 4: 410, 415, 470, 420) in the memory of the recipient's device (Fig. 4, 405). However, Alperovich does not disclose storing the message in the communication device of the sender.

Irvin discloses a method comprising:  
selecting a component (i.e. text message informing a family member that the user has reached a location safely) for inclusion in a message (i.e. SMS message) at a communications device (i.e. a mobile communication terminal) (Fig. 2, 100) (col. 1, lines 43-61; col. 3, line 10 – col. 4, line 59);  
selecting location conditions (i.e. target location) under which the message is enabled to be opened by a device of a recipient (i.e. sending the SMS to another party for notification of arrival at the target location), the location conditions defining a location of the device sender of the message, wherein the recipient and the message sender are different entities (col. 4, lines 1-59; col. 5, lines 25-55); and  
storing said component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device (Fig. 2, 170) (col. 4, lines 7-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Alperovich to include storing the message and message

header in the communication device of the sender as taught by Irvin. One of ordinary skill in the art would have been lead to make such a modification to keep a copy of the message and header in the sender's device in order to store details of the message pertaining to a particular recipient and being able to retrieve the message for further review by the sender.

However, Alperovich in view of Irvin do not disclose information displayable to the recipient indicating requirements to read the message.

Helferich discloses a method comprising a messaging user interface (Fig. 7; Fig. 8) of a communication device (i.e. mobile telephone; Fig. 3, 105) of a message recipient comprising a component (i.e. a .wav file) included in a message; a message header including information descriptive of content of the message (i.e. voice message from Dr. Jones) and information displayable to the recipient indicating requirements to read the message (i.e. click 'play' button to hear the attached voice message) (col. 17, lines 33-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Alperovich in view of Irvin to include information displayable to the recipient indicating requirements to read the message as taught by Helferich. One of ordinary skill in the art would have been lead to make such a modification of Alperovich in view of Irvin to provide instructions to the recipient, such as the instructions of Helferich, to the device of Alperovich in view of Irvin so the recipient can determine how to read the message.

4. Claims 5, 7, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Irvin in further view of Helferich, as applied to claim 1, and in further view Gerszberg.

Regarding claim 5, a user interface as claimed in claim 1 mentioned above, wherein



Alperovich discloses the message includes a plurality of components (i.e. priority, reminder message) (col. 5, lines 15-35; col. 6, lines 4-21).

However, Alperovich in view of Irvin in further view of Helferich do not disclose associated presentation files.

Gerszberg discloses a communication device (Fig. 5; Fig. 1: 10, 130; col. 3, lines 11-16) including a messaging user interface (Fig. 5), the interface being configured for:

selecting a component (i.e. object) for inclusion in a message (col. 8, line 7 – col. 9, line 16; col. 11, lines 39-57),

selecting conditions (i.e. time and/or date) under which the message may be opened by a device of a recipient (i.e. caller) (col. 6, lines 42-57; col. 9, lines 17-30; col. 10, line 33 – col. 11, line 4) and

storing said component as a message together at least one of time and date conditions under which the message may be opened by the device of the recipient in the memory (i.e. local storage) of the communication device (Fig. 3B, 173; col. 6, lines 38-41; col. 8, lines 7-12; col. 11, lines 39-57).

Gerszberg further discloses the message includes a plurality of components and associated presentation files (col. 8, line 7 – col. 10, line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich in view of Irvin in view of Helferich to include associated presentation files as taught by Gerszberg. One of ordinary skill in the art would have been lead to make such a modification to provide a message to a recipient that

includes more than one presentation file (i.e. a video greeting and image) to be presented to the recipient, wherein the presentation files can be gathered from a number of locations within and outside the communication device (i.e. CD ROM, digital video camera, network server platform).

Regarding claim 7, a user interface as claimed in claim 1 mentioned above, wherein Alperovich in view of Irvin in view of Helferich do not disclose the device is configured for creating a presentation file associated with said component, said file being stored with said message.

Gerszberg discloses a communication device (Fig. 5; Fig. 1: 10, 130; col. 3, lines 11-16) including a messaging user interface (Fig. 5), the interface being configured for: selecting a component (i.e. object) for inclusion in a message (col. 8, line 7 – col. 9, line 16; col. 11, lines 39-57), selecting conditions (i.e. time and/or date) under which the message may be opened by a device of a recipient (i.e. caller) (col. 6, lines 42-57; col. 9, lines 17-30; col. 10, line 33 – col. 11, line 4) and storing said component as a message together at least one of time and date conditions under which the message may be opened by the device of the recipient in the memory (i.e. local storage) of the communication device (Fig. 3B, 173; col. 6, lines 38-41; col. 8, lines 7-12; col. 11, lines 39-57).

Gerszberg further discloses the user interface is configured for creating a presentation file associated with said component, said file being stored with said message (col. 8, line 7 – col. 10, line 5; col. 11, lines 39-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich in view of Irvin in view of Helferich to include said file being stored with said message as taught by Gerszberg. One of ordinary skill in the art would have been lead to make such a modification to provide a message to a recipient that includes a presentation or multimedia file (i.e. a video greeting and image) to be presented to the recipient that is created, wherein the component includes audio, video, and/or text.

Regarding claim 8, a user interface as claimed in claim 7 mentioned above, wherein Gerszberg further discloses the presentation file contains parameters relating a size and position of a component comprising a video image (col. 8, lines 7-53).

Regarding claim 10, a user interface as claimed in claim 7 mentioned above, wherein Gerszberg further discloses the presentation file contains parameters relating to a color and font of a component inherently comprising a text string (col. 8, lines 7-53).

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Irvin in further view of Helferich and in further view of Gerszberg as applied to claim 7, and in further view of Jennings.

Regarding claim 9, a user interface as claimed in claim 7 mentioned above, wherein Alperovich in view of Irvin in further view of Helferich and in further view of Gerszberg do not disclose the presentation file contains parameters relating to a volume of a component comprising an audio recording.

Jennings discloses a communication device (Fig. 1, 106) including a messaging user interface, the interface configured for selecting a component for inclusion in a message, selecting conditions under which the message may be opened by a device of a recipient (col. 1, lines 32-39; col. 2, lines 36-40; col. 4, lines 5-10; col. 4, line 53 – col. 5, line 14) and storing said component as a message together with a message header in a memory of the communication device (see Abstract; col. 2, line 65 – col. 3, line 36). Wherein Jennings further discloses a presentation file contains parameters relating to a volume of a component comprising an audio recording (col. 1, lines 11-30; col. 4, line 48 – col. 5, line 34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich in view of Irvin in further view of Helferich and in further view of Gerszberg to include the presentation file contains parameters relating to a volume of a component comprising an audio recording as taught by Jennings. One of ordinary skill in the art would have been lead to make such a modification to allow a sender to modify or adjust the volume of the audio recording before sending it to a recipient.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Irvin in view of Helferich as applied to claim 1, and in further view of Jennings.

Regarding claim 11, a user interface as claimed in claim 1 mentioned above, wherein Alperovich in view of Irvin disclose the user interface is configured for formatting the message as a short text message (Alperovich: col. 4, lines 7-51; col. 5, lines 15-35; Irvin: col. 5, lines 42-49).

However, Alperovich in view of Irvin in further view of Helferich do not disclose the user interface is configured for formatting the message as an attachment to a short text message.

Jennings discloses a communication device (Fig. 1, 106) including a messaging user interface, the interface configured for selecting a component for inclusion in a message, selecting conditions under which the message may be opened by a device of a recipient (col. 1, lines 32-39; col. 2, lines 36-40; col. 4, lines 5-10; col. 4, line 53 – col. 5, line 14) and storing said component as a message together with a message header in a memory of the communication device (see Abstract; col. 2, line 65 – col. 3, line 36). Wherein Jennings further discloses means for formatting the message as an attachment to a short text message (see Abstract; col. 5, lines 35-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich in view of Irvin in further view of Helferich to include means for formatting the message as an attachment to a short text message as taught by Jennings. One of ordinary skill in the art would have been lead to make such a modification to allow a sender to attach the message to a short text message.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Irvin in further view of Helferich, as applied to claim 1, and in further view of Hashimoto.

Regarding claim 12, a user interface as claimed in claim 1 mentioned above, wherein Alperovich in view of Irvin in further view of Helferich do not discloses the device is configured for formatting the message as an email.

Hashimoto discloses a communication device (i.e. PC; Fig. 1: 51a-51f; col. 4, lines 34-57) including a messaging user interface (Figs. 7-11), the interface being configured for: selecting a component for inclusion in a message (Fig. 11; col. 6, lines 3-53; col. 9, lines 16-60),

selecting conditions (i.e. a device on which the message will be opened; pager; portable data terminal) under which the message is enabled to be opened (i.e. displayed) by a device of a recipient (col. 6, lines 12-18; col. 8, lines 35-46; col. 9, lines 37-44; Fig. 10), and storing said component as a message together with a message header holding the conditions under which the message is enabled to be opened by the device of the recipient (Fig. 12) in a memory of a database (Fig. 1, 16; col. 9, lines 37-44; col. 9, line 61 – col. 10, line 2).

Hashimoto further discloses the user interface is configured for formatting the message as an email (Fig. 13; col. 9, line 61 – col. 10, line 2; col. 10, lines 5-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich in view of Irvin in further view of Helferich to include the device is configured for formatting the message as an email as taught by Hashimoto. One of ordinary skill in the art would have been lead to make such a modification to provide a message to a recipient that is formatted as an email that includes a component that is presented to a recipient.

8. Claims 24, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Irvin in further view of Helferich, as applied to claim 23, and in further view of Gerszberg.

Regarding claims 24, 25, and 27, please see the rejections to the user interface in claims 7, 8, and 10 above, to reject the method in claims 24, 25, and 27.

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Irvin in further view of Helferich and in further view of Gerszberg as applied to claim 24, and in further view of Jennings.

Regarding claim 26, please see the rejection to the user interface in claim 9 above, to reject the method in claim 26.

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Irvin in further view of Helferich as applied to claim 23, and in further view of Jennings.

Regarding claim 28 please see the rejection to the user interface in claim 11 above, to reject the method in claim 28.

11. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Irvin in further view of Helferich as applied to claim 23, and in further view of Hashimoto.

Regarding claim 29, please see the rejection to the user interface in claim 12 above, to reject the method in claim 29.

12. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Irvin in further view of Helferich as applied to claim 23, and in further view of Jennings.

Regarding claim 30, the method of claim 23 mentioned above, wherein Alperovich in view of Irvin in further view of Helferich do not disclose creating a presentation file associated with the component, and storing the presentation file with the message, wherein creating the presentation file comprises creating a file including parameters relating to control of a speed of playback of a video file comprising the presentation file at the device of the recipient.

Jennings discloses a communication device (Fig. 1, 106) including a messaging user interface, the interface configured for selecting a component for inclusion in a message, selecting conditions under which the message may be opened by a device of a recipient (col. 1, lines 32-39; col. 2, lines 36-40; col. 4, lines 5-10; col. 4, line 53 – col. 5, line 14) and storing said

component as a message together with a message header in a memory of the communication device (see Abstract; col. 2, line 65 – col. 3, line 36). Wherein Jennings further discloses creating a presentation file, and storing the presentation file with the message, wherein creating the presentation file comprises creating a file including parameters relating to control of a speed of playback of a video file comprising the presentation file at the device of the recipient (col. 1, lines 11-39 and lines 55-64; col. 3, lines 57-60; col. 4, line 48 – col. 5, line 34; col. 6, lines 25-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Alperovich in view of Irvin in further view of Helferich to include creating a presentation file comprises creating a file including parameters relating to control of a speed of playback of a video file comprising the presentation file at the device of the recipient as taught by Jennings. One of ordinary skill in the art would have been lead to make such a modification to allow a sender to modify or adjust the speed of playback of the video file before sending it to a recipient.

13. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Irvin and in further view of Jennings.

Regarding claim 31, Alperovich discloses an apparatus (i.e. a mobile station) (Fig. 4, 480) comprising a processor configured to:  
selecting a component (i.e. text message; 'buy milk on the way home', 'call your mother') for inclusion in a message (i.e. SMS message) (col. 3, lines 12-19; col. 5, lines 15-35; col. 6, lines 4-21),



selecting location conditions (i.e. coordinates) under which the message is enabled to be opened by a device (Fig. 4, 400) of a recipient (i.e. subscriber), the location conditions defining a location of the device of the recipient of the message, wherein the recipient and the message sender are different entities (col. 5, lines 27-49), and storing said component as a portion of the message (Fig. 4: 420) together with a message header holding the location conditions (Fig. 4: 470) under which the message is enabled to be opened by the device of the recipient in a memory of the device, the message header further including information descriptive of content of the message (i.e. priority indicator describing urgency of content of the message; reminder indicator; Fig. 4: 410) (col. 4, lines 7-20; col. 4, line 66 - col. 5, line 49).

Alperovich discloses the message, location conditions, and priority indicator stored together as a SMS message (Fig. 4: 410, 415, 470, 420) in the memory of the recipient's device (Fig. 4, 405). However, Alperovich does not disclose storing the message in the communication device of the sender and creating a presentation file.

Irvin discloses an apparatus (i.e. a mobile communication terminal) (Fig. 2, 100) comprising a processor (Fig. 2, 102; col. 3, lines 54-67) configured to: selecting a component (i.e. text message informing a family member that the user has reached a location safely) for inclusion in a message (i.e. SMS message) (col. 1, lines 32-40; col. 2, lines 4-9; col. 3, lines 13-15; col. 4, lines 24-27; col. 5, lines 50-55), selecting location conditions (i.e. target location) under which the message is enabled to be opened by a device of a recipient (i.e. sending the SMS to another party for notification of arrival at the target location), the location conditions defining a location of the device of the sender of

the message, wherein the recipient and the message sender are different entities (col. 4, lines 1-59; col. 5, lines 25-55),  
and storing said component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device (Fig. 2, 170) (col. 4, lines 7-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich to include storing the message and message header in the communication device of the sender as taught by Irvin. One of ordinary skill in the art would have been lead to make such a modification to keep a copy of the message and header in the sender's device in order to store details of the message pertaining to a particular recipient and being able to retrieve the message for further review by the sender.

However, Alperovich in view of Irvin do not disclose creating a presentation file associated with said component, said presentation file being stored with said message, and wherein the presentation file includes parameters relating to control of a speed of playback of a video file comprising the presentation file at the device of the recipient.

Jennings discloses a communication device (Fig. 1, 106) including a messaging user interface, the interface configured for selecting a component for inclusion in a message, selecting conditions under which the message may be opened by a device of a recipient (col. 1, lines 32-39; col. 2, lines 36-40; col. 4, lines 5-10; col. 4, line 53 – col. 5, line 14) and storing said component as a message together with a message header in a memory of the communication device (see Abstract; col. 2, line 65 – col. 3, line 36). Wherein Jennings further discloses creating a presentation file, and storing the presentation file with the message, wherein creating

the presentation file includes parameters relating to control of a speed of playback of a video file comprising the presentation file at the device of the recipient (col. 1, lines 11-39 and lines 55-64; col. 3, lines 57-60; col. 4, line 48 – col. 5, line 34; col. 6, lines 25-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Alperovich in view of Irvin to include creating a presentation file including parameters relating to control of a speed of playback of a video file comprising the presentation file at the device of the recipient as taught by Jennings. One of ordinary skill in the art would have been lead to make such a modification to allow a sender to modify or adjust the speed of playback of the file before sending it to a recipient.

Regarding claim 33, the apparatus of claim 31, wherein Jennings discloses the processor is further configured to enable the sender to predetermine how much of the message is available to the recipient based on the capabilities of the device of the recipient (col. 1, lines 32-39; col. 2, lines 36-40; col. 5, lines 35-47).

14. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Irvin and in further view of Jennings, as applied to claim 31, and in further view of Helferich.

Regarding claim 32, the apparatus of claim 31, wherein Alperovich in view of Irvin and in further view of Jennings do not disclose the message header further includes information displayable to the recipient indicating requirements to read the message.

Helferich discloses an apparatus comprising a messaging user interface (Fig. 7; Fig. 8) of a communication device (i.e. mobile telephone; Fig. 3, 105) of a message recipient comprising a component (i.e. a .wav file) included in a message; a message header including information

descriptive of content of the message (i.e. voice message from Dr. Jones) and information displayable to the recipient indicating requirements to read the message (i.e. click 'play' button to hear the attached voice message) (col. 17, lines 33-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Alperovich in view of Irvin and in further view of Jennings to include the message header including information displayable to the recipient indicating requirements to read the message as taught by Helferich. One of ordinary skill in the art would have been lead to make such a modification of Alperovich in view of Irvin and in further view of Jennings to provide instructions to the recipient, such as the instructions of Helferich, to the apparatus of Alperovich in view of Irvin and in further view of Jennings so the recipient can determine how to read the message.

15. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Irvin in further view of Helferich and in further view of Gerszberg as applied to claim 1, and in further view of Jennings.

Regarding claim 34, please see the rejection to the user interface in claim 30 above, to reject the method in claim 34.

16. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Irvin in further view of Helferich as applied to claim 1, and in further view of Jennings.

Regarding claim 35, a user interface as claimed in Claim 1, wherein Alperovich in view of Irvin and in further view of Helferich do not disclose the user interface is further configured to enable the sender to predetermine how much of the message is available to the recipient based on the capabilities of the device of the recipient.

Jennings discloses a communication device (Fig. 1, 106) including a messaging user interface, the interface configured for selecting a component for inclusion in a message, selecting conditions under which the message may be opened by a device of a recipient (col. 1, lines 32-39; col. 2, lines 36-40; col. 4, lines 5-10; col. 4, line 53 – col. 5, line 14) and storing said component as a message together with a message header in a memory of the communication device (see Abstract; col. 2, line 65 – col. 3, line 36). Wherein Jennings discloses the user interface is further configured to enable the sender to predetermine how much of the message is available to the recipient based on the capabilities of the device of the recipient (col. 1, lines 32-39; col. 2, lines 36-40; col. 5, lines 35-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich in view of Irvin in further view of Helferich to include the user interface is further configured to enable the sender to predetermine how much of the message is available to the recipient based on the capabilities of the device of the recipient as taught by Jennings. One of ordinary skill in the art would have been lead to make such a modification to allow a sender to modify or adjust the speed of playback of the file before sending it to a recipient's device that can play the received message.

17. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Irvin in further view of Helferich as applied to claim 23, and in further view of Jennings.

Regarding claim 36, a method as claimed in Claim 23, wherein Alperovich in view of Irvin and in further view of Helferich do not disclose the method further comprising enabling the sender to predetermine how much of the message is available to the recipient based on the capabilities of the device of the recipient.

Jennings discloses a communication device (Fig. 1, 106) including a messaging user interface, the interface configured for selecting a component for inclusion in a message, selecting conditions under which the message may be opened by a device of a recipient (col. 1, lines 32-39; col. 2, lines 36-40; col. 4, lines 5-10; col. 4, line 53 – col. 5, line 14) and storing said component as a message together with a message header in a memory of the communication device (see Abstract; col. 2, line 65 – col. 3, line 36). Wherein Jennings discloses the user interface is further configured to enable the sender to predetermine how much of the message is available to the recipient based on the capabilities of the device of the recipient (col. 1, lines 32-39; col. 2, lines 36-40; col. 5, lines 35-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Alperovich in view of Irvin in further view of Helferich to include enabling the sender to predetermine how much of the message is available to the recipient based on the capabilities of the device of the recipient as taught by Jennings. One of ordinary skill in the art would have been lead to make such a modification to allow a sender to modify or adjust the speed of playback of the file before sending it to a recipient's device that can play the received message.

### ***Conclusion***

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

20. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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